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FILED  
IN CLERKS OFFICE

2004 SEP 30 A 11:05

4 U.S. DISTRICT COURT  
5 DISTRICT OF MASS.

6 Harriet Menezes, ) Civil Action  
7 Plaintiff, )  
8 vs. ) Case No.: 04-10365 JLT  
9 Association of Flight Attendants, )  
10 CWA, AFL-CIO, and Karen Scopa )  
11 individually and as President of )  
12 Association of Flight Attendants )  
13 Boston, Sue Cook individually and as )  
representative Secretary Association )  
of Flight Attendant Boston )  
14 )  
15 and Steve Fontakis individually and )  
as Manager at United Airlines )  
16 )  
17 and Paula DiMartino as Administrative )  
Supervisor at United Airlines )  
18 Defendants )  
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20 MOTION FOR CONTINUANCE

21 1. I respectfully ask the court to defer ruling on MOTION for Summary  
22 Judgment by Paula DiMartino so that I may start discovery and obtain  
23 opposing affidavits (Fed. R. Civ. P. 56(f)), in order to respond in  
24 Opposition to the Motion for Summary Judgments. As the discovery is  
25 lengthy, and I may need Subpoenas to obtain the information, I request an

1 extension of time to respond to Motion for Summary Judgment for period of  
2 40-60 days. Whether this is a stay or continuance, I don't know.

3 2. Nature of uncompleted discovery in terms of facts sought: A request from  
4 Counsel (Atty. Brigitte Duffy, Atty. Yvette Politis) to list all working  
5 hours as described below and to define where "693.37 hours" derived from.  
6 What constitutes work hours of Counsel's quoted "693.37 hours" (quoted pg.  
7 2 in "Statement of Material Facts not in Dispute in Support of Paula  
8 DiMartino's Motion for Summary Judgment"), (quoted pg. 2. of "Affidavit of  
9 Frank Colosi"), (referenced on pg. 3 of "Paula Dimartino's Memorandum in  
10 Support of her Motion for Summary Judgment"). Counsel neglected to include  
11 all types of work hours of my typical flight attendant's three day trips  
12 to include work time away from base when a flight attendant is required to  
13 be away on a business trip from the moment I check in for a trip to the  
14 moment I check-out back to the Domicile in Boston, to include working  
15 ground time when a flight attendant is required to be on board with  
16 passengers prior to take-off and deplaning, to include work duty time  
17 where a flight attendant is only paid per diem, etc. How the facts sought  
18 are reasonably expected to create a genuine issue of material fact: The  
19 facts will show that I worked far greater than 693.37 hours, and the hours  
20 listed are only flight hours when a flight attendant is paid for airborne  
21 time. Efforts made thus far to obtain the sought facts are that I have  
22 copies of my flight reports for 2002. Reasons why previous fact-finding  
23 efforts have been unsuccessful are because I am waiting for the discovery  
24 process to begin.

25 3. Nature of uncompleted discovery in terms of facts sought: Opposition  
Affidavit of Attorney General Tom Riley's office where I sought help

1       regarding Mr. Colosi's (of United Airlines) non-response to my original  
2       September 29, letter referenced in "Affidavit of Frank Colosi in Support  
3       of Defendant Paula DiMartino's Motion for Summary Judgment" for Counsel to  
4       produce Mr. Colosi's letter allegedly dated September 29, 2003, which will  
5       show that there is a revision bar across that date as it was a second  
6       request. How the facts sought are reasonably expected to create a genuine  
7       issue of material fact will show that Mr. Colosi received yet ignored the  
8       original September 29, 2003 appeal and request for personnel files. The  
9       facts will show that Counsel erred in stating, (on pg. 6 of her  
10      memorandum), "The letter was dated September 29, 2003 but not postmarked  
11      until November 15, 2003." Efforts made thus far to obtain the sought  
12      facts: Counsel provided second letter of appeal as Exhibit C. And,  
13      contrary to Counsel's statement, (pg. 3 of supporting memorandum), that  
14      "The Massachusetts Attorney General's Office would have to pursue the  
15      claims against United and it has not done so", the facts will show that  
16      the Attorney General's office had done so with a letter dated November 26,  
17      2003 to Frank Colosi from Assistant Attorney General, Rosalyn Garbose.

18      4. Nature of uncompleted discovery in terms of facts sought: From United  
19      Airlines, including the documentation in files of Mr. Frank Colosi  
20      regarding me, what happened to article number 7002 0460 0002 7962 1369,  
21      sent to United Airlines, World Headquarters, 1200 E. Algonquin Road, Elk  
22      Grove Township, IL 60007, Attn: Frank Colosi, Labor relations, and signed  
23      received on 10-3-03. How the facts sought are reasonably expected to  
24      create a genuine issue of material fact: Mr. Frank Colosi's [a Defendant  
25      to case 1:04-cv-10366] affidavit holds falsehoods regarding a September 29  
letter, and thus my attempts at going through an administrative and

1 grievance process. Reasons why previous fact-finding efforts have been  
2 unsuccessful are because the Association of Flight Attendants and United  
3 Airlines fail to respond to direct requests.

4 5. Nature of uncompleted discovery in terms of facts sought from the  
5 Association of Flight Attendants, United Airlines, and government  
6 agencies. Grievance appeal attempts with phone records, electronic, and  
7 written records. How the facts sought are reasonably expected to create a  
8 genuine issue of material fact. Contrary to paragraph 9, page 2, Mr.  
9 Colosi's Affidavit, the facts will show that I attempted to appeal my  
10 termination less than two months after notice was given. Previous fact-  
11 finding efforts have been unsuccessful because the Association of Flight  
12 Attendants ignored my September written request for a copy of my personnel  
13 file, as did Mr. Colosi, which is why Attorney General Tom Reilly's office  
14 interceded on my behalf.

15 6. Nature of uncompleted discovery in terms of facts sought: The date of the  
16 copied union security clause that Counsel has copied as Exhibit B, pg.  
17 192-196, from Counsel. How the facts sought are reasonably expected to  
18 create a genuine issue of material fact: Whether Counsel and Plaintiff are  
19 referencing same contract language. Efforts made thus far to obtain the  
20 sought facts are I have contract language copied from Internet on October  
21 2003. Reasons why previous fact-finding efforts have been unsuccessful: I  
22 do not know when the contract is revised.

23 7. Nature of uncompleted discovery in terms of facts sought: Complete copy of  
24 file from the Association of Flight Attendants, record of memos, and  
25 record of phone calls from local Boston and international Washington, D.C.  
office. How the facts sought are reasonably expected to create a genuine

1 issue of material fact. Contrary to Counsel's statement (in Paula  
2 DiMartino's Memorandum in Support of her Motion for Summary Judgment, pg.  
3 1), that I "failed to remedy that breach despite opportunities to do so",  
4 the facts will show that I attempted to remedy the breach but was  
5 stonewalled by the Union and United Airlines thus I was not afforded the  
6 opportunity. Efforts made thus far to obtain the sought facts are I  
7 attempted to retrieve a copy of my file from the Association of Flight  
8 Attendants in September 2003. When they ignored my request, I asked for  
9 the intersession of Attorney General's Tom Reilly's office. Reasons why  
10 previous fact-finding efforts have been unsuccessful are because the  
11 Association of Flight Attendants did not respond to my requests.

12 8. Nature of uncompleted discovery in terms of facts sought from the Equal  
13 Employment Opportunity Commission, JFK Fed'l Office Bldg, Government  
14 Center, Room 475, Boston, MA 02203, intake information from a claim sent  
15 to them certified mail on October 28, 2003. How the facts sought are  
16 reasonably expected to create a genuine issue of material fact: Contrary  
17 to Counsel's statement (in Paula DiMartino's Memorandum in Support of her  
18 Motion for Summary Judgment, pg. 3), that I "failed to exhaust her  
19 administration remedies"), the facts will show that I attempted to exhaust  
20 my administrative remedies. Efforts made thus far to obtain the sought  
21 facts. Reasons why previous fact-finding efforts have been unsuccessful.

22 9. Nature of uncompleted discovery in terms of facts sought an opposition  
23 Affidavit from Massachusetts Office of Discrimination, 1 Asburton, Room  
24 305, Boston MA 02108. How the facts sought are reasonably expected to  
25 create a genuine issue of material fact. The facts will show that I went

1 through the administrative process and thus attempted to exhaust my  
2 administrative remedies.

3 10. Nature of uncompleted discovery in terms of facts sought documentation  
4 from United Airlines showing I requested my leave be converted to worker's  
5 compensation after ruling from Massachusetts Department of Industrial  
6 Accidents. How the facts sought are reasonably expected to create a  
7 genuine issue of material fact: The facts will show that the Department of  
8 Industrial Accidents (DIA) ruled my illness as work related, but United  
9 did not change its records to reflect that thus I brought it up as a civil  
10 action after going through the DIA process. Efforts made thus far are that  
11 I have the court ruling from the DIA.

12 Dated this 30<sup>th</sup> day of September, 2004

13  
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19 (978)369-4693

20 CERTIFICATE OF SERVICE

21 I hereby certify that a true copy of the Plaintiff's Motion for Continuance  
22 has been served upon the Defendant's attorneys by regular first class mail,  
23 1) Brigitte Duffy & Yvette Politis, Seyfarth Shaw, World Trade Center East,  
24 Two Seaport Lane, Suite 300, Boston, MA 02210: 2) Mary T. Sullivan, at Segal  
25 Roitman & Coleman, 11 Beacon Street, Suite 500, Boston, MA 02018: 3) Edward J.  
Gilmartin, Esq., Association of Flight Attendants-CWA, AFL-CIO, 501 Third  
Street, NW, 9<sup>th</sup> Floor, Washington, DC 20001.

Dated this 30<sup>th</sup> day of September, 2004

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